

REMARKS

Claims 1-4, 6-9, and 11-20 are active. Claims 5 and 10 are canceled. Claims 16-20 are new. Claim 2, 12 and 13 are objected to. Claims 1-4, 6-9, and 11-15 are rejected under 35 USC 103 as being unpatentable over Chung in view of Fraunhofer Magazin. The previously submitted IDS references have been considered by the Examiner.

Amended claims 1-4, 6-9, and 11-15 and new claims 16-20 are submitted for the Examiner's reconsideration.

Claim 1 is amended to include certain of the subject matter of certain of the canceled claims, and in particular at least claim 5, which is canceled for this reason. The other claims canceled are canceled also due to redundancy in these claims with the amendment to claim 1.

The objection to claim 2 is believed met by the amendment thereto. The objection to claims 12 and 13 is unsound. This objection is based on the subjective conclusion that the line spacing between the claims is not as desirable as the Examiner would like. This is an improper objection. There is nothing wrong with these claims which meet the requirements of 35 USC 112. That is the only basis for rejecting a claim. The fact that the claim spacing is not as the Examiner would like is not a proper basis for objection, as it is only based on the personal view of the Examiner and not based on any objective requirement of the claims. 37 CFR 1.52(b)(2)(i) requires 1 ½ or double line spacing. The claims are presented in double line spacing. The claims are presented in proper numerical order. There is nothing objectionable about the claims. However, the claims as listed herein are spaced apart as requested making

this issue moot.

Since claim 1 includes the subject matter of claim 5, the rejection of claim 5 will be discussed.

Claim 5 is rejected over Chung in view of Fraunhofer Magazin. Amended claim 1 includes the structure calling for:

the second circuit which is altered or destroyed by the main module first circuit at a location of the second circuit which is relevant in respect of the function

This aspect of claim 1 is foreign to Chung and Fraunhofer. This clause finds support in the specification at page 5, lines 15-21 of applicants' specification. Here it is stated that

"The switch-off means 17 here are in the form of a logic portion which is required for functioning of the circuit 13, for example a given bit combination, which, during the game process, for example after a predetermined number of games have been played, is permanently altered by the circuit of the main module 1, for example destroyed by a flow of current. The sub-module 1 is then no longer to be used."

Thus the circuit is permanently altered to preclude the sub-module from further operating, such as by a bit code or a current flow. This permanent altering of the sub-module circuit does not occur in Chung cited for this purpose at col. 6, lines 1-13. This reference at this location does not support a conclusion that the now claimed subject matter quoted above is disclosed therein. All the reference states at this location is that the number of missiles stored in memory is decremented. This is not what is claimed. Decrementing a number is not altering or destroying the circuit, which are active steps. Merely decrementing a number is not an active altering of a circuit but a passive count down. These are different.

Fraunhofer is of no help, since it discloses a one-way product not related to a memory storage device as disclosed by Chung. Chung discloses conventional electronics and semiconductor devices which are not organic. What is disclosed are devices that are reliable, long living and internet compatible to transfer data to the internet or to the device program. It would not make sense with such conventional devices to destroy or alter the circuits permanently as claimed after a predetermined use or the occurrence of a predetermined condition. Thus the reference teaches away, the antithesis of obviousness.

Thus as claimed the switch-off arrangement is self-destructive or self-altering with respect to a relevant function. Chung and Fraunhofer do not disclose or suggest this aspect of the amended claim 1. This claim is believed allowable.

New claim 17 calls for similar subject matter as amended claim 1 and is believed allowable for similar reasons.

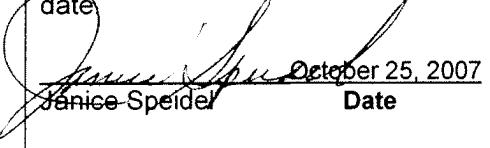
Claims 2-4, 6-9, and 11-16 depend from claim 1 and claims 18-20 depend from claim 17. These claims are believed equally allowable as the claims from which they depend.

Enclosed is a separate request for a one month extension of time. The Commissioner is authorized to charge deposit account 03 0678 for the \$120 fee due for the one month extension.

While no fee is believed due for the added claims, the Commissioner is authorized to charge or credit deposit account 03 0678 for any under or over payments in connection with this paper.

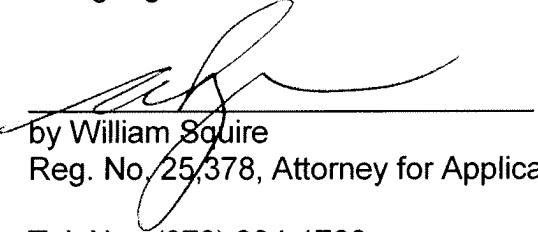
**ELECTRONIC FILING
CERTIFICATION**

This paper is being submitted electronically to the USPTO on the below date

Janice Speidel

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Date

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